

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

PAXTON HOWARD

Plaintiff,

v.

No.: _____

**ELLIS MOVING AND STORAGE, LLC,
and NICK GOINS,**

JURY DEMAND

Defendants.

COMPLAINT

PLAINTIFF, PAXTON HOWARD, brings this action against the Defendants for claims arising under the Fair Labor Standards Act.

I. PARTIES, JURISDICTION, AND VENUE

1. This case arises under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.*
2. The Court has subject matter jurisdiction pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b) and 28 U.S.C. § 1337. The Court has personal jurisdiction over Plaintiff. The Court has personal jurisdiction over Ellis Moving and Storage, LLC (“Ellis”), which is a Tennessee limited liability company. Ellis may be served by and through its registered agent, Mitchel G. Borske, 1042 Somerset Downs Boulevard, Hendersonville, Tennessee, 37075-1702. The Court has personal jurisdiction over the individual defendant, who is a resident of Wilson County, Tennessee. Mr. Goins may be served at 1807 Corinth Road, Mt. Juliet, Tennessee, 37122.
3. Venue also lies in the Middle District of Tennessee, pursuant to 28 U.S.C. § 1391,

because a substantial part of the alleged events or omissions giving rise to this action occurred in this district.

4. Plaintiff is a former employee of Defendants. During his employment with Defendants, Plaintiff was a covered employee under the FLSA.

5. Defendants are covered employers under the FLSA. Plaintiff was jointly employed by Ellis and Mr. Goins from July, 2020, until January 8, 2021. Mr. Goins paid Plaintiff and partially directed his work. Ellis directed the work of Plaintiff, provided the truck he drove, and Plaintiff wore an Ellis uniform.

II. INTRODUCTION

6. Plaintiff brings this claim under the FLSA, 29 U.S.C. § 216(b) for minimum wage compensation, liquidated damages, interest, and attorneys' fees and costs pursuant to the FLSA.

III. FACTUAL BASIS FOR SUIT

7. Ellis is a moving company. Plaintiff drove a box truck and delivered items throughout the middle Tennessee area, northern Alabama, and southern Kentucky.

8. Even though Plaintiff drove a truck rented by Ellis and wore an Ellis uniform, Mr. Goins paid Plaintiff a day rate of \$160/day, five days per week through an app on Plaintiff's cellular telephone.

9. Plaintiff was terminated on January 8, 2021, and Defendants have refused to pay Plaintiff for his last two weeks' work.

10. By failing to pay Plaintiff at all, Defendants failed to pay Plaintiff the minimum wage for his last two weeks' work, as required by the FLSA.

IV. CAUSES OF ACTION

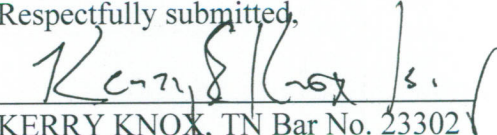
11. The forgoing facts are incorporated by reference as if fully stated herein.
12. Plaintiff brings the following cause of action against Defendants:
 - A. Willful failure to pay minimum wages in violation of the Fair Labor Standards Act of 1938; and
 - B. Unjust enrichment/Quantum Meruit/Breach of Contract.

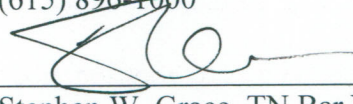
VI. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF prays for the following relief:

13. An award to Plaintiff in the amount of unpaid compensation to be proven at trial;
14. An award to Plaintiff of interest and liquidated damages in an amount equal to the overtime compensation shown to be owed to them pursuant to 29 U.S.C. § 216(b);
15. An award to Plaintiff of reasonable attorneys' fees and costs, pursuant to 29 U.S.C. § 216(b); and
16. A trial by jury.

Respectfully submitted,


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